

FAO No.5363 of 2005

Smt.Shashi Bala and others Versus Suresh Singh and others

Present: Mr.RS Longia, Advocate
for the appellants.

UMA NATH SINGH,J.(Oral)

This FAO arises out of an award dated 29.7.2005 passed by learned Presiding Officer, Motor Accident Claims Tribunal in MACT Case No.16 of 2004 awarding a sum of Rs.7,82,000/- in death case of a 49 years old Haryana Roadways Bus Driver.

Learned counsel for the appellant submitted that the multiplier applied in this case is on lower side and, in support thereof, he placed reliance on a judgment of Hon'ble the Apex Court reported in **(1994) 2 Supreme Court Cases 176 (General Manager, Kerala State Road Transport Corporation, Trivandrum Versus Susamma Thomas (Mrs.) and others)**. In particular, learned counsel referred to paragraph 17 of the said judgment to re-iterate that the multiplier given in Schedule 2 under Section 163-A of the Motor Vehicles Act (for short to be referred as “the Act”) should have been strictly applied.

We have carefully considered the submission of learned counsel and we do not find any force in it. The Tribunal has rather taken a liberal view in assessing the dependency on the basis of the gross salary of the deceased. Secondly, the award in question has been passed under Sections 166,140 and 141 of the Act and not under Section 163-A of the Act. That apart, in the latest judgments of Hon'ble the Supreme Court, namely (i) **(2005) 8 Supreme Court Cases 473 (Managing Director,**

TNSTC Ltd. Versus K.I.Bindu and others) it had been held that Schedule II of the Act is to serve as a guide, but cannot be said to be an invariable ready reckoner. Thus, Hon'ble the Apex Court reduced the multiplier from 17 to 13 in a death case of a 4 years old. In another case reported in **(2005)6 Supreme Court Cases 236 (T.N.State Transport Corpn. Ltd. Versus S.Rajapriya and others)**, the Hon'ble Court reduced the multiplier from 16 to 12 in death case of a 38 years old man. Hon'ble the Apex Court held that the prevailing rate of interest economy, quantum and nature of income should be considered. That apart, the Tribunal has awarded a consortium of Rs.20,000/- while in the judgment it is mentioned as Rs.10,000/-.

Thus, we do not find any force in the aforesaid submission of learned counsel for the appellants. The appeal, being devoid of merits, is dismissed.

**(UMA NATH SINGH)
JUDGE**

**(S. D. ANAND)
JUDGE**

August 17, 2006

SRM